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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Akitaka KIMURA

Docket No: Q88348

Appln. No.: 10/537,489

Group Art Unit: 2812

Confirmation No.: 4630

Examiner: Not Yet Assigned

Filed: June 3, 2005

For: SEMICONDUCTOR OPTICAL DEVICE HAVING QUANTUM WELL STRUCTURE  
AND MANUFACTURING METHOD THEREOF

**STATEMENT UNDER 37 C.F.R. § 1.704(d)**


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and that the communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

  
Howard L. Bernstein  
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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: September 7, 2006



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**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. Japanese Patent Application Publication No. 2002-100838, published April 5, 2002 (with English Abstract).
2. Japanese Patent Application Publication No. 08-064869, published March 8, 1996 (with English Abstract).
3. Japanese Patent Application Publication No. 2000-277868, published October 6, 2000 (with English Abstract).
4. Japanese Patent Application Publication No. 2002-076522, published March 15, 2002 (with English Abstract).

INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/537,489

Attorney Docket: Q88348

5. Japanese Patent Application Publication No. 2003-332244, published November 21, 2003 (with English Abstract).

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under § 1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

The present Information Disclosure Statement is being filed thirty days or fewer from the communication from a foreign patent office and a Statement Under 37 C.F.R. § 1.704(d) is attached.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses here with a copy of a corresponding Japanese Office Action dated August 8, 2006, and an English translation of the pertinent portions thereof which cites such documents and indicates the degree of relevance found by the foreign office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

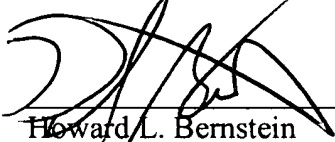
INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/537,489

Attorney Docket: Q88348

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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Substitute for Form 1449 A &amp; B/PTO

Complete if Known

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Confirmation Number	4630
Filing Date	June 3, 2005
First Named Inventor	Akitaka KIMURA
Art Unit	2812
Examiner Name	Not Yet Assigned
Attorney Docket Number	Q88348

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		
		US			
		US			
		US			
		US			
		US			
		US			
		US			
		US			
		US			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		JP	2002-100838	A	04-05-2002	Sharp Corp.	
		JP	8-64869	A	03-08-1996	Rohm Co Ltd.	
		JP	2000-277868	A	10-06-2000	Sanyo Electric Co Ltd.	
		JP	2002-076522	A	03-15-2002	NEC Corp	
		JP	2003-332244	A	11-21-2003	Nichia Chem Ind Ltd	

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to indicate here if English language Translation is attached.